

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ALLSTATE INSURANCE COMPANY, *et al.*,

Plaintiffs,

-against-

MARK MIRVIS, *et al.*,

Defendants.

**08-CV-4405
(PKC) (PK)**

**DECLARATION OF
ANDREW S. MIDGETT, ESQ.**

Andrew S. Midgett declares pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney and associate with the law firm of Morrison Mahoney LLP, co-counsel of record for Plaintiffs-Judgment Creditors Allstate Insurance Company, Allstate Indemnity Company, Deerbrook Insurance Company, Allstate New Jersey Insurance Company, and Allstate Property & Casualty Insurance Company (“Plaintiffs”) in the above-captioned action, and I am fully familiar with all of the facts and circumstances in this matter.

2. I respectfully submit this declaration in support of Plaintiffs’ accompanying reply in further support of their June 17, 2019 motion for an order directing law enforcement to conduct an execution sale of the Judgment Debtor M. Mirvis’ interest in the realty known as “289 Bayberry” (*see* ECF No. 631) (the “Motion”),¹ and in response to the July 23, 2019 Opposition of Mirvis Non-Parties L. Mirvis and T. Mirvis.

3. The purpose of this Declaration is to aid in demonstrating why Plaintiffs are entitled relief sought in the Motion, and to place before the Court relevant testimonial and documentary evidence in the form of Exhibits.

¹ Terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

4. Annexed hereto as **Exhibit “A”** is a true copy of an excerpt from the transcript for the hearing held before Judge Kuo on June 6, 2017, filed in its entirety at ECF No. 507-1, with appearances by, *inter alia*, counsel for Plaintiffs and the Mirvis Non-Parties.

5. Annexed hereto as **Exhibit “B”** is a true copy of an excerpt from the transcript for the deposition of Mirvis Non-Party and Opponent T. Mirvis taken by Plaintiffs’ counsel on August 17, 2016, filed in its entirety (in condensed form) at ECF No. 430-3.

6. Annexed hereto as **Exhibit “C”** is a true copy of the company biography and representative sales listings for Mirvis Non-Party A. Boriskin, as obtained by the undersigned on August 6, 2019 by accessing the public website of A. Boriskin’s employer Douglas Elliman at <https://themichaellorberteam.elliman.com/about/alexander-boriskin/12158>.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 6, 2019

/s/ Andrew Midgett
Andrew S. Midgett, Esq.